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Written statement* submitted by the Modern Advocacy, Humanitarian, Social and Rehabilitation Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Human rights and gender-based and sexual violence within the traditional African man's mind frame towards building the 'future we want'

Modern development thoughts are now streamlined within the human rights appraisal ideologies of well-being for all in recent and future times. These thoughts highlight new or formerly silent development rights frameworks for sexual minorities and victims of gender-based and sexual violence who suffer immense physical and psychological damages based on their unfortunate situations.

Gender-based and Sexual Violence as a Human Rights and Conventional Abuse

In obvious terms, articles 3, 4, 5, 6 and 7 of the Universal Declaration of Human Rights are partly materialized and reflected through the committee on the Elimination of Discrimination against women general recommendation No. 19 (1992) in which gender-based violence is considered to be any harmful act directed against individuals or groups of individuals on the basis of their gender. These acts include sexual violence, domestic violence, trafficking, forced/early marriage and harmful traditional practices. In focus, sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity. Although men and boys are also targets of gender-based and sexual violence in specific circumstantial setups, the victims of such violence continue to be disproportionally women and girls. Article 1 of the convention on the Elimination of All Forms of Discrimination against Women indicates such discrimination to mean "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

Acknowledging that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms with concerns on the long-standing failure to protect and promote these rights and freedoms for women, the Declaration on the Elimination of Violence against Women in its article 1 defines such violence as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Article 2 further highlights violence against women to encompasses (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.(A/RES/48/104)

The Hurdles of Cultural Relativism in Applying Women's Development Rights

State constitutionality plays a critical role in directing and applying the human rights and freedoms for women towards eradicating pertinent obstacles that deter their development rights. However, "building the future we want" has grown from numerous and variant stakes that encompass the value of indigenous customs and traditions within the spirit and aspired will of human rights and freedom. This is reflected in article 33 of the Declaration on the Rights of Indigenous Peoples that states that Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. They have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures. To ascertain that such rights remain within the will of human rights, article 34 stipulates that Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards. (A/61/L.67)

However, through a series of pragmatic examples on field works in order to understand and upraise the value and status of the African woman, the conundrum remains heavy on the traditional or customary comprehensiveness on what her development rights should be in reflection to its context, her societal appraisal and what she seeks or desires to be viewed as in her community. The African personality sees the future he wants in the respect of traditional values and

mores that brings peace and keeps harmony within his family and community. In these, the severally appraised standards on gender-based and sexual violence against women become unavoidable. From some widowhood rites case studies, though the involved rights-based perpetrators are well informed and educated on the issues concerned, they still prefer to carry out the ordeals in order to feel fulfilled and more accepted within their community values. In communities where the victims do not desire to undergo such human degrading rites, the protective obligations of the State fails on a regular basis. The problem is that, local government authorities within African community setups who hold legal mandates to combat such discriminatory customary rites against women, most often stay aloof with pretexts of not wanting to interfere with the traditions of other people as psychologically, he or she would not in return want to see another interfere with his or hers. The learned traditional authorities on their part, though they struggle to amend some of their customs to suite the development rights of their local people as a whole, they are placed at a tight corner because the very ethics and survival of some of their true traditional identities and values lies within some instances that violate or deprive both the local men and women, but most disproportionately women from the full enjoyment of their human rights and freedoms.

In the limelight, it is obvious that most of the cherished traditional African customary identity values that are protected by human rights and elaborated upon by the declaration on the rights of indigenous peoples, do cumulate into some root causes and detain major infringement stakes in the context of gender-based and sexual violence against poor and vulnerable community women in Africa. Africa has a very complex framework of variant cultures and peoples, implying the need for both psychological and individual community institutionalism to address gender-based and sexual violence against women within the hurdles:

(a) While as cultural women or girls, traditional societal values demand that they play subordinate roles amongst their men but modern education require that such cultural values be adjusted in order to suite the context of equality (E/CN.6/2015/NGO/167). To what extent can an intrinsic human rights modern education merger in a locally understood and accepted cultural relativism context assist?

(b) The psychological position of the local man and woman becomes problematic in respect to the situation of adjusting one's culture to suite a rights based norm which, at the same time, may be violating another norm within the same set of rules and principles, (reflected through articles 3, 12, and 18 of the Universal Declaration of Human Rights). How understanding or learned are the local people to make such tactical adjustments and still maintain face to their cherished customs?

(c) The questionable will of biased local government leadership to effectively communicate current legal dispositions and duly intervene to address obvious instances of barbaric customary practices that inflict gender-based and/or sexual violence on local women. (E/2015/NGO/7) Should State or local government authorities be out rightly punished or held responsible for failing to protect the rights of victims?

The outright gender-based and sexual violence circumstances within an African cultural context arise from the human rights working laissez-faire attitude that needs:

(a) A holistic approaches on effective and fully understood gender equity education addressing the cultural relativism hurdles between the human rights of women and the expected traditional manhood mores of their men;

(b) A psychological battle addressed through consistent and persistent strategic girl child education against the traditional reasoning of women and girls in community settings, and serves to automate an intrinsic consciousness of equality and rights-based self-management potential within women in relation to their men and as such, invigorate their human zeal towards equal level participation and mutual respect (E/CN.6/2014/NGO/174);

(c) A practical means for local transcription and transmission of high level human rights policies and other conventional derivatives into locally understood texts and dialects easily appreciated by the poor and vulnerable community duellers.

'Building the future we want' happens to be the latest development paradigm that seeks the pragmatic rights-based empowerment of all vulnerable peoples everywhere, most

especially, marginalized women and those suffering from unfortunate gender-based and sexual violence circumstances. This therefore implies that there is strong need for rudimentary human rights working considerations within the gender equity scope on local women's rights to development and how this intersects, for instance, with race, religion, economic situation, political affiliation and geography.